

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 85, as introduced, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature’s intent that this bill is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The unpublished decision of the Third District Court of
4 Appeals in *Funeral Security Plans v. State Board of Funeral*
5 *Directors* (1994) 28 Cal. App.4th 1470 is an accurate reflection of
6 legislative intent with respect to the applicability of the
7 Bagley-Keene Open Meeting Act (Article 9 (commencing with
8 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
9 the Government Code) to a two-member standing advisory
10 committee of a state body.

11 (b) A two-member committee of a state body, even if operating
12 solely in an advisory capacity, already is a “state body,” as defined
13 in subdivision (d) of Section 11121 of the Government Code, if a
14 member of the state body sits on the committee and the committee
15 receives funds from the state body.

16 (c) It is the intent of the Legislature that this bill is declaratory
17 of existing law.

18 SEC. 2. Section 11121 of the Government Code is amended
19 to read:

20 11121. As used in this article, “state body” means each of the
21 following:

22 (a) Every state board, or commission, or similar multimember
23 body of the state that is created by statute or required by law to
24 conduct official meetings and every commission created by
25 executive order.

26 (b) A board, commission, committee, or similar multimember
27 body that exercises any authority of a state body delegated to it by
28 that state body.

29 (c) An advisory board, advisory commission, advisory
30 committee, advisory subcommittee, or similar multimember
31 advisory body of a state body, if created by formal action of the
32 state body or of any member of the state body, and if the advisory
33 body so created consists of three or more ~~persons~~; *persons, except*
34 *as in subdivision (d).*

1 (d) A board, commission, committee, or similar multimember
2 body on which a member of a body that is a state body pursuant
3 to this section serves in his or her official capacity as a
4 representative of that state body and that is supported, in whole or
5 in part, by funds provided by the state body, whether the
6 multimember body is organized and operated by the state body or
7 by a private corporation.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 In order to avoid unnecessary litigation and ensure the people's
13 right to access the meetings of public bodies pursuant to Section
14 3 of Article 1 of the California Constitution, it is necessary that
15 act take effect immediately